

The State of New Hampshire

Opinion

orig material in
259.15



Attorney General

Concord

ATTORNEY GENERAL
WARREN B. RUDMAN
DEPUTY ATTORNEY GENERAL
DAVID H. SOUTER
ASSISTANT ATTORNEYS GENERAL
THOMAS B. WINGATE
JOSEPH A. DICLERICO, JR.
ROBERT V. JOHNSON, II
DONALD W. STEVER, JR.
DAVID W. HESS
JOHN C. BOECKELER
THOMAS D. RATH
ROGER G. BURLINGAME
CHARLES G. CLEAVELAND
EDWARD A. HAFFER
JOHN L. AHLGREN
GREGORY H. SMITH
RICHARD V. WIEBUSCH

ATTORNEYS
JOHN T. PAPPAS
W. JOHN FUNK
JOHN S. KITCHEN
EDWARD N. DAMON
JAMES L. KRUSE

October 14, 1975

Mr. Arthur H. Fowler
Comptroller
Department of Administration
and Control
State House Annex
Concord, New Hampshire 03301

Dear Mr. Fowler:

This will reply to your request for our opinion with respect to the authority of the Division of Public Health to assess fees for services provided by the Program on Alcohol and Drug Abuse within that Division.

It is our opinion that the authority for such an account is specifically given in RSA 172:14 (III) which provides that:

Such money as is received by the department from a patient of the division, or on his behalf, for sale of services or things, or for any other reason, shall be placed in a special fund to be used for the purposes of this act alone. Said funds shall be in addition to the appropriations granted the division.

Moreover, RSA 172:14 (I) creates an affirmative duty on the part of the Division to recover costs of services provided from recipients thereof to the extent they are able to bear that burden. Accordingly, we conclude that the Division of Public Health has the authority to assess fees for the services outlined in the agenda item dated September 15, 1975, as appended to your request.

Sincerely,

Charles G. Cleaveland
Assistant Attorney General

CGC/tlr